

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
Third Periodic Review of the)	
Commission's Rules and Policies)	MB Docket No. 07-91
Affecting the Conversion)	
to Digital Television)	
)	

COMMENTS OF KSLS, INC.

KSLS, Inc. ("KSLS"), licensee of KSCI(TV), Long Beach, California, within the Los Angeles DMA, respectfully submits its comments in response to the Commission's Notice of Proposed Rulemaking in this Docket.¹

In paragraph 104 of the Notice, the Commission proposes to limit after the digital transition the predicted interference that any station may cause to 0.5 percent of the protected station's service population. In paragraph 107, the Notice proposes that stations already providing more than 0.5 percent interference to another station will not be allowed to increase at all the interference they are authorized to cause. In paragraph 108, the Commission asks whether the 0.5 percent criterion reflects the right balance between protecting established DTV service and affording adequate flexibility to stations seeking to establish post-transition operations. KSLS believes that, in least KSCI's situation, the strict prohibition of additional interference and the 0.5 percent interference limit would not adequately permit the station to serve significant portions of its DMA.

KSCI is a full-service, commercial station broadcasting on analog channel 18 from a transmitter and tower located in the Mount Wilson area. It has been broadcasting for more than

¹ FCC 07-70, Released May 18, 2007 (the "Notice").

thirty years with one of the strongest signals in the Los Angeles market. KSCI built and is operating its transitional digital facilities, but because it was assigned an out-of-core DTV frequency, KSCI-DT's facilities are purely temporary. In the DTV channel election process, because there was no better option available in the heavily congested Southern California radiofrequency environment, KSLs was forced to elect to return to channel 18 for its digital operations post transition. KUSI(TV) in the adjacent San Diego DMA, also elected digital channel 18. With the proposed allocations, KSCI must accept 2.5% interference from KUSI. Calculations from the Commission's "Seventh Report and Order" indicate that the average power of Los Angeles UHF stations transmitting from the vicinity of Mt. Wilson will be more than 500 Kw. KSCI, however, was allotted only 110 Kw, making it one of the weakest digital stations in the DMA.

Stations that can continue to broadcast on the digital channel that they were assigned for the transition period have been able to maximize their digital signals. KUSI, for instance, was able to make a near seven-fold increase in its signal on digital Channel 18. In contrast, stations that must broadcast on the channels that they currently occupy with analog signals, such as KSCI, have not had the opportunity to maximize their final digital signals.

This co-channel assignment in adjacent DMAs, along with the allotted power levels, is especially harmful to KSCI's viewers. KSCI broadcasts primarily Asian-language programming: at least four hours of locally produced Asian-language programming daily, including local news, local public affairs, and local cultural offerings specifically designed for the significant Asian-American population of KSCI's city of license and Southern California in general. KSCI's service to the local Asian community is reflected in numerous awards and the loyal support of Asian-speaking viewers. The Fall, 2006, Simmons National Consumer Study reports that the Asian-American households in the Los Angeles DMA are more likely than the general public to

rely on over-the-air television reception instead of cable or satellite delivery. KSCI's signal has been there to serve this population for more than thirty years; the loss of this service would create a significant disservice to the Asian-speaking community.


Indeed, the projected 2.5% interference that KSCI must accept from KUSI may well be understated. Broadcast signals often experience a "ducting" effect that allows them to travel greater distances over water than over normal terrain. Consequently, a large portion of KSCI's viewers who live near the Pacific coast, including in KSCI's city of license, Long Beach, can easily receive the signals of San Diego television stations. It is quite possible that post-transition, Asian-American viewers in KSCI's city of license will be able to view English language programming from KUSI and unable to view the Asian-language programming specifically designed to serve their interests by their hometown broadcaster.

To remedy this situation, KSLS suggests that the Commission permit an additional 0.5% interference (in addition to that currently authorized) in circumstances where it is necessary to provide adequate service to areas within a station's DMA. KSLS's intent is not to increase the coverage area of KSCI, but only to provide a viable signal to its current viewers. In its particular case, with the terrain blockage caused by local mountains, KSLS does not believe that the additional interference it proposes would affect KUSI's viewers within the San Diego DMA. Unlike the San Diego-to-Long Beach ducting effect that will cause problems in Long Beach, the Pacific Ocean does not stand between KSCI's transmitter and the city of San Diego. It is possible that the 0.5% additional interference that KUSI would accept from this proposal would not result in the loss of the station's signal to any viewers within the San Diego DMA. In contrast, the increase in power that the change would permit for KSCI would have a major impact on the availability of that station's signal to viewers in the Los Angeles DMA.

The Commission requested comments from stations, such as KSCI, which had built temporary digital facilities during the transition period and will return to their current analog channels post-transition.² KSLs purchased some very expensive equipment to construct a temporary facility on Channel 61. All of this will be nearly useless after the transition. The station might be able to use its current analog antenna for post-transition digital broadcasts on Channel 18, which would be a quick and cost-effective modification that would avoid a substantial period when the station would be off-air for antenna replacement. However, without flexibility on the proposed interference standard, the use of KSCI's existing antenna would require the station to significantly reduce its already compromised power.

KSLs believes that the flexibility suggested in these comments will assist KSCI and any other similarly situated stations in serving over-the-air audiences with satisfactory signals after the transition to digital broadcasting.

Respectfully submitted,
KSLs, INC.

A handwritten signature in dark ink, reading "William C. Welty". The signature is fluid and cursive, with the first name "William" and last name "Welty" being the most prominent parts.

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August 15, 2007

² Notice at ¶¶ 24-27.